

ORIGINAL

FILED IN OPEN COURT  
U.S.D.C. - Atlanta

APR 16 2019

IN THE UNITED STATES DISTRICT COURT **JAMES N. HATTEN**, Clerk  
FOR THE NORTHERN DISTRICT OF GEORGIA *by* *gj* Deputy Clerk  
ATLANTA DIVISION

UNITED STATES OF AMERICA  
*v.*  
CHOAT SOVIRAVONG

Criminal Indictment  
No. **1 : 19 CR 146**

THE GRAND JURY CHARGES THAT:

**Background**

At times relevant to this Indictment:

1. The defendant, CHOAT SOVIRAVONG, lived in the Northern District of Georgia and worked as a graphic designer for Hi-Tech Pharmaceuticals, Inc., a dietary supplements company headquartered in Norcross, Georgia.
2. The Food and Drug Administration (“FDA”) is a federal agency of the United States Department of Health and Human Services within the executive branch of the United States government. The FDA is charged with the responsibility of protecting the health and safety of the American public by enforcing the Federal Food, Drug, and Cosmetic Act, Title 21, United States Code, Sections 301-399f (“FDCA”). The Food and Drug Administration – Office of Criminal Investigations (“FDA-OCI”) conducts criminal investigations on behalf of the FDA.
3. The Internal Revenue Service is a federal agency of the Department of the Treasury within the executive branch of the United States government. The

Internal Revenue Service - Criminal Investigation Division ("IRS-CI") conducts criminal investigations on behalf of the Internal Revenue Service.

4. Upon application by a food manufacturer, the FDA will issue a "Certificate of Free Sale" for a particular food product, including a dietary supplement, indicating that the food product is marketed in the United States and eligible for export if certain statutory provisions are met.

5. Under the FDCA, a dietary supplement is deemed adulterated if it has been prepared, packed, or held under conditions that do not meet current good manufacturing practice ("GMP") regulations. Certain dietary supplement manufacturers seek GMP certificates from third-party companies to substantiate the quality of their products.

6. The FDA-OCI and IRS-CI were conducting a criminal investigation of Hi-Tech Pharmaceuticals, Inc. and certain employees of the company related, in part, to Certificates of Free Sale and GMP certificates distributed by the company.

**Count One**  
*False Statements*  
(18 U.S.C. § 1001(a)(2))

7. The Grand Jury re-alleges and incorporates herein by reference the factual allegations contained in paragraphs 1 through 6 of this Indictment as if fully set forth herein.

8. On or about June 24, 2014, within the Northern District of Georgia, in a matter within the jurisdiction of the executive branch of the Government of the United States, the defendant, CHOAT SOVIRAVONG, knowingly and willfully

made materially false, fictitious, and fraudulent statements to federal agents employed by the FDA-OCI and the IRS-CI, in that SOVIRAVONG falsely stated that he had never been asked to design any GMP certificates or certificates of any kind. This statement and representation was false because SOVIRAVONG then and there knew that he had in fact been asked to design GMP certificates and Certificates of Free Sale.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**Count Two**  
*False Statements*  
(18 U.S.C. § 1001(a)(2))

9. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 1 through 6 of this Indictment as if fully set forth herein.

10. On or about June 24, 2014, within the Northern District of Georgia, in a matter within the jurisdiction of the executive branch of the Government of the United States, the defendant, CHOAT SOVIRAVONG, knowingly and willfully made materially false, fictitious, and fraudulent statements to federal agents employed by the FDA-OCI and the IRS-CI, in that SOVIRAVONG falsely stated that he did not prepare the GMP certificate shown to him during the interview. This statement and representation was false because SOVIRAVONG then and there knew that he had in fact prepared the GMP certificate displayed during the interview.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**Count Three**  
*False Statements*  
(18.S.C. § 1001(a)(2))

11. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 1 through 6 of this Indictment as if fully set forth herein.

12. On or about June 24, 2014, within the Northern District of Georgia, in a matter within the jurisdiction of the executive branch of the Government of the United States, the defendant, CHOAT SOVIRAVONG, knowingly and willfully made materially false, fictitious, and fraudulent statements to federal agents employed by the FDA-OCI and the IRS-CI, in that SOVIRAVONG falsely stated that he had never designed a Certificate of Free Sale. This statement and representation was false because SOVIRAVONG then and there knew that he had in fact designed a Certificate of Free Sale.

All in violation of Title 18, United States Code, Section 1001(a)(2).

**Count Four**  
*False Statements*  
(18.S.C. § 1001(a)(2))

13. The Grand Jury re-alleges and incorporates by reference the factual allegations contained in paragraphs 1 through 6 of this Indictment as if fully set forth herein.

14. On or about June 24, 2014, within the Northern District of Georgia, in a matter within the jurisdiction of the executive branch of the Government of the United States, the defendant, CHOAT SOVIRAVONG, knowingly and willfully made materially false, fictitious, and fraudulent statements to federal agents

employed by the FDA-OCI and the IRS-CI, in that SOVIRAVONG falsely stated that he had never heard of Glen Godfrey. This statement and representation was false because SOVIRAVONG then and there knew that he had in fact created GMP certificates containing Godfrey's name.

All in violation of Title 18, United States Code, Section 1001(a)(2).

A True BILL  
  
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